IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.812 OF 1999

Bank of Maharashtra Plaintiff

versus

M/s.Gabbles Machinery Pvt. Ltd.
and others Defendants

Mr.Avinash Thakkar for plaintiff.

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th June 2005

PC :

1. Bank of Maharashtra has filed this suit under Order 37 of the Code of Civil Procedure, 1908 for recovery of a sum of Rs.1,10,230.05 Ps.. The defendants upon service of writ of summons filed an application praying for condonation of delay in filing their Vakalatnama. That application was placed before this Court from time to time but none appeared in support thereof. Consequently, on 11th July 2001 the same was rejected. Mr.Thakkar points out that said order has not been challenged further.

2. Mr.Thakkar submits that in pursuance of the facilities granted to the defendants as enumerated in the plaint, amount as aforesaid is due and payable. The defendants have executed in favour of the plaintiff balance confirmation letters and acknowledgements. The details of the same are set out at paragraph no.3 of the plaint. The suit is filed on the basis of written contract as well as confirmation letters and acknowledgements. Consequently, the same answers the requirements of Order 37 of CPC.. Since the defendants have not taken steps as mandated to represent themselves, the plaintiffs are entitled to a decree and judgement in their favour. Consequently, the following order.

3. ORDER : There shall be a decree as prayed. Original documents along with list duly handed in are taken on record. It will be open for Mr.Thakkar to take back the original documents by substituting the same with duly attested photocopies. Refund as well as advocate’s fee as per Rules. Certified copy of the Decree expedited.

(S.C.DHARMADHIKARI, J.)